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(A Limited Liability Partnership Formed in Pennsylvania)

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Attorneys for Defendant Microsoft Corporation (sued herein as Microsoft, Inc.)

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

RUSS SMITH, pro se

Plaintiff,

V.

TRUSTED UNIVERSAL STANDARDS
IN ELECTRONIC TRANSACTIONS,
INC., MICROSOFT, INC., CISCO
SYSTEMS, INC., AND COMCAST
CABLE COMMUNICATIONS, LLC,

Defendants.

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: CIVIL ACTION NO. 09-CV-04567-RBK-KMW
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: **NOTICE OF MOTION TO DISMISS**
: **PLAINTIFF’S COMPLAINT**
:
: **Returnable: November 2, 2009**
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PLEASE TAKE NOTICE that on November 2, 2009, at 10:00 a.m., or as soon thereafter as counsel may be heard, Defendant Microsoft Corporation (sued herein as Microsoft, Inc.) (“Microsoft”), by and through its attorneys Montgomery, McCracken, Walker & Rhoads, LLP, will move before the Honorable Robert B. Kugler, U.S.D.J., at the United States District Court for the District of New Jersey, Mitchell H. Cohen U.S. Courthouse, 1 John F. Gerry Plaza, Camden, New Jersey 08101, for an order pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing Plaintiff’s Complaint.

PLEASE TAKE FURTHER NOTICE that in support of this motion, Microsoft shall rely upon Defendants Comcast Cable Communications, LLC, Cisco Systems, Inc. and Microsoft

Corporation's Joint Memorandum of Law in Support of Their Motions to Dismiss Plaintiff's
Complaint and proposed form of Order.

Respectfully submitted,

MONTGOMERY, McCRACKEN,
WALKER & RHOADS, LLP

s/Charles B. Casper

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*Attorneys for Microsoft Corporation
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Dated: September 29, 2009

CERTIFICATE OF SERVICE

I, Fabiana Pierre-Louis, hereby certify that on the date listed below, a true and correct copy of Defendant Microsoft Corporation's Notice of Motion to Dismiss Plaintiff's Complaint, Proposed Order, and Certificate of Service were served via electronic filing upon the following individuals:

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s/Fabiana Pierre-Louis

Dated: September 29, 2009